



RAVALLI COUNTY OPEN LANDS BOND PROGRAM

A GUIDE FOR APPLICANTS AND SPONSORING ORGANIZATIONS OR AGENCIES



INTRODUCTION

Recognizing the pressures put on open lands by rapid growth in Ravalli County, the Board of County Commissioners, following a unanimous request by the Right to Farm and Ranch Board, placed before the voters of the County an ballot question to issue \$10,000,000 of general obligation bonds (the “Bonds”) to preserve the open lands of the county.

The primary purpose of the Bonds is to identify and provide funds for **conservation easements** on open private lands in Ravalli County in order to: “...manage growth, preserve open lands, protect water quality of streams and the Bitterroot River, maintain wildlife habitat, protect drinking water sources, pay landowner costs and related transaction costs associated with an approved project, and pay costs associated with the sale and issuance of the bonds...”(*Resolution 1946, State of Montana, Ravalli County*).

By approving the issuance of the bonds at the November 7, 2006 general election, voters helped

bring forth additional management options for land owners of Ravalli County.

The Ravalli County Open Lands Bond Program (“Program”) will not fit the needs and wants of all property owners interested in protecting the conservation and/or agricultural values of their property. However, if a land owner decides to apply for Bond funds, this document is intended to provide them, as well as their sponsoring organization or agency, with the information and resources they will need to understand and complete the process.

For more information on the Program, please contact the Ravalli County Planning Department.

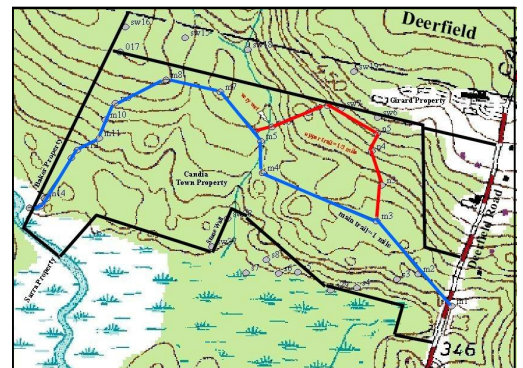
Ravalli County Planning Department
215 South 4th Street, Suite F
Hamilton, Montana 59840
406-375-6530
planning@ravallicounty.mt.gov

What is a conservation easement?

Bonds can generally be issued to purchase land, conservation easements, and other interests in land from willing land owners. *Resolution 1946*. Conservation easements are anticipated to be the primary method for open land preservation in Ravalli County.

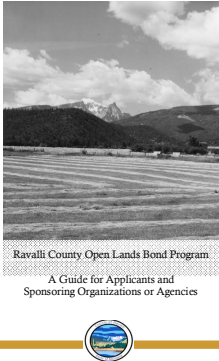
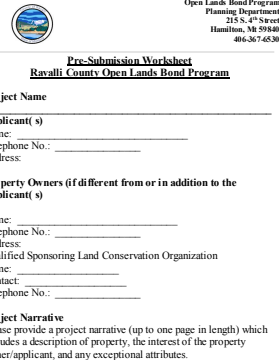
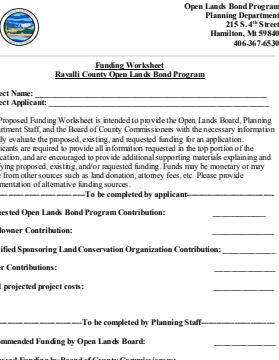
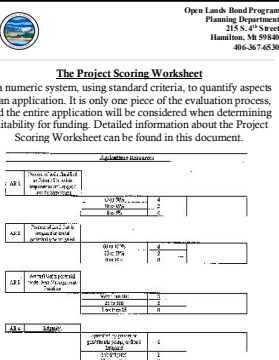
“A conservation easement is a legal agreement between a landowner and a land trust or government agency that permanently limits uses of the land in order to protect its conservation values. It allows you to continue to own and use your land and to sell it or pass it on to heirs.

“Conservation easements offer great flexibility. An easement on property containing rare wildlife habitat might prohibit any development, for example, while one on a farm might allow continued farming and the building of additional agricultural structures. An easement may apply to just a portion of the property, and need not require public access.” *Land Trust Alliance*



DOCUMENT REFERENCE GUIDE

Throughout the application process, land-owners and sponsoring organizations or agencies will need to provide various documents. The chart below will help you figure out how documents relate to each other, which document you need when, as well as help you identify a document being referenced during the process. All documents can be found on the Ravalli County website or can be picked up at the Ravalli County Planning Department.

Document	Image	Description
Guide For Applicants		The <i>Guide for Applicants and Sponsoring Organizations or Agencies</i> is the document you are currently using. It is intended to give an overview of the Ravalli County Open Lands Bond Program, as well provide information and resources to proceed through a complete application process.
Applicant Pre-Submission Worksheet		The <i>Applicant Pre-Submission Worksheet</i> should be completed by the applicant or the sponsoring organization or agency, then submitted to the Ravalli County Planning Department along with a \$60.00 review fee. Planning staff will conduct some initial research regarding the subject property. Then a meeting will be arranged between Planning staff, the applicant, and their representatives in order to discuss the full application process and requirements.
Funding Worksheet		The <i>Funding Worksheet</i> is a summary of the secured or proposed funding sources for an application. The top section should be completed by the applicant or the sponsoring organization or agency. The bottom section will be completed by Planning staff on behalf of the Ravalli County Open Lands Board and Board of County Commissioners.
Project Scoring Worksheet		The <i>Project Scoring Worksheet</i> uses a numeric system and standard criteria to quantify aspects of an application. It is only one piece of the evaluation process, and the entire application, including a site visit and Funding Worksheet, will be considered by the Open Lands Board and County Commissioners. Details about the Project Scoring Worksheet can be found in that document.

SPONSORING ORGANIZATION / AGENCY INFORMATION

To apply for funds through the Ravalli County Open Lands Bond Program, it is recommended that an Applicant apply with a cooperating sponsoring organization or agency. While Ravalli County, through the Program, may provide some or all of the funds to obtain a conservation easement on a specific piece of property, it is likely the County will not be holding, monitoring, or otherwise involved in the maintenance of that easement. Those tasks will be the responsibility of the sponsoring organization or agency.

Below is a list of potential sponsoring organizations or agencies a land owner may wish to work with. This is not a comprehensive list; there are many other potential sponsoring organizations or agencies. These, however, are the ones that have experience in Ravalli County. Applicants are encouraged to contact many potential sponsoring organizations or agencies in order to find the best fit for their objectives.

Bitterroot Land Trust

P.O. Box 1806
Hamilton, MT 59840
406-375-0956
www.bitterrootlandtrust.org

Five Valleys Land Trust

P.O. Box 8953
Missoula, MT 59807
406-549-0755
www.fvlt.org

Montana Land Reliance

324 Fuller Ave.
P.O. Box 355
Helena, MT 59624-0355
406-443-7027
www.mtlandreliance.org

The Nature Conservancy

126 East Broadway
Missoula, MT 59802
406-543-6681
www.nature.org

Trust for Public Lands

Emerson Cultural Center
111 South Grand Ave, Suite 203
Bozeman, MT 59715
406-522-7450
www.tpl.org

Montana Fish, Wildlife and Parks

3201 Spurgin Road
Missoula, MT 59804
fwp.mt.gov

Rocky Mountain Elk Foundation

5705 Grant Creek
Missoula, MT 59808
406-523-4500
www.rmef.org

Photo Courtesy of the Ravalli County Museum

APPLICATION PROCEDURE

A general process has been developed for the review of applications through the Ravalli County Open Lands Bond Program, which should allow both for a complete review and an efficient timeline. However, it is recognized that every application will be different. Some projects may require additional information for a complete review, while others may be fairly simple and will move through the process quickly.

Only complete applications will be reviewed by the Open Lands Board (OLB) and Ravalli Board of County Commissioners (BCC). Planning Department staff will work with Applicants and sponsoring organizations or agencies to ensure the submission of a complete application.

Applications should be submitted to the Ravalli County Planning Department in an envelope marked "Open Lands Application".

Ravalli County Planning Department
215 S. 4th Street, Suite F
Hamilton, MT 59840

Applicants are advised that all materials submitted become part of the public record.

Applications will be considered by the OLB and the BCC through the submission of materials in three stages:

1. The **pre-submission** stage, during which Applicants and their sponsoring organization or agency submit basic information on a proposed Project to the Planning Department and a discussion is held with Planning staff to address expectations and procedure for application review.

2. The **OLB review** stage includes:

Phase 1, during which the completed application is evaluated and a site visit is performed;

Phase 2, during which funding requests will be assessed against available funding; and

Phase 3, during which the OLB holds a final discussion and vote to recommend approval or denial to the BCC.

Applicants should be aware that at any point during Phase 1, 2, or 3, the OLB may choose not to review an application further, in which case it will be forwarded to the BCC with a recommendation to deny funding. However, all full applications submitted will be reviewed by the BCC.

3. The **BCC review and decision** stage includes:

Phase 4, during which the BCC reviews the application and all recommendations provided to them at a public hearing, potentially makes a site visit, and makes a decision to approve or deny funding for a proposed Project; and

Phase 5, during which, if a project was approved for funding, all final documentation is provided to the Planning Department, checked for completeness, and arrangements are made to transfer funds.

The full process has been illustrated on page 6, with detailed explanations of each stage of consideration.

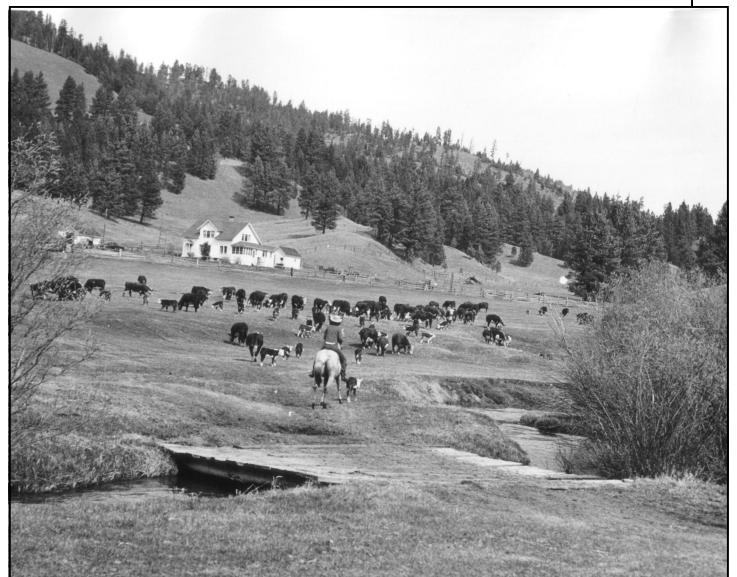


Photo Courtesy of the Ravalli County Museum

Pre-submission Stage	OLB Review Stage	BCC Review and Decision Stage
<p>Pre– submission</p> <ul style="list-style-type: none"> - Applicant or sponsoring organization or agency identifies a proposed project. - Applicant or sponsoring organization or agency submits the completed Pre-Submission Worksheet, along with all necessary supporting materials, to the Planning Department. - Planning Department hosts a pre-submission conference with the applicant, and sponsoring organization/agency to discuss the application procedure and identify additional information needed. <p><i>For more information please see page 7</i></p>	<p>Phase 1</p> <ul style="list-style-type: none"> - Planning staff reviews Full Application materials for completeness and forwards to OLB. - OLB sub-committee reviews application and completes separate Project Scoring Worksheet criteria. - OLB sub-committee and Planning staff visit site. - OLB sub-committee prepares summary report for full OLB. - Full OLB reviews application . <p><i>For more information please see page 7</i></p>	<p>Phase 4</p> <ul style="list-style-type: none"> - BCC considers full application and all recommendations at a public hearing; may perform site visit. - BCC votes to approve or deny funding of an application. <p><i>For more information please see page 9</i></p> <p>Phase 5</p> <ul style="list-style-type: none"> - Approved Applicant and sponsoring organization or agency submits final documentation as requested. - Planning staff reviews for completeness of materials. - Materials reviewed by appropriate legal advisor. - Arrangements made for transfer of funds. <p><i>For more information please see page 9</i></p>
	<p>Phase 2</p> <ul style="list-style-type: none"> - Full OLB reviews funding request for proposed project, and considers the request against available funding. - Ravalli County financial advisor reviews the financial implications of the proposed project. <p><i>For more information please see page 8</i></p>	
	<p>Phase 3</p> <ul style="list-style-type: none"> - Full OLB discussion and vote. - OLB prepares recommendation report for BCC. <p><i>For more information please see page 8</i></p>	

PRE-SUBMISSION

Pre-submission materials are intended to provide the Planning Department Staff with enough information so that they may do initial research on the property, identify any potential issues which may arise during the application process, and to hold a constructive meeting with the Planning Department, a qualified sponsoring organization or agency, and the applicant to discuss the proposal and request any additional information needed.

Pre-Submission Materials include:

- A completed Pre-Submission Worksheet, including a one-page narrative including and legal description of the property.
- Proof of current ownership.
- General map of property and proposed project, such as conservation easement location.
- \$60 review fee

PHASE 1

During Phase 1 the applicant and sponsoring organization or agency should submit a full application to the Planning Department, which will be reviewed for completeness before being forwarded to an OLB subcommittee. Full application materials should give a detailed description of the proposed project. The appropriate OLB subcommittee and Planning staff will review all application materials against the Project Scoring Worksheet, as well as perform a site visit, in order to form a summary report and recommendation for the full OLB. The full OLB may also perform site visits as they deem necessary.

Applicants should be aware that if the OLB decides not to continue to review an application during Phase 1 , it will be forwarded to the BCC with a recommendation to deny funding.

Full Application Materials include:

- Completed Project Scoring Worksheet
- Project Scoring narrative/documentation
- Funding Worksheet
- Map of sufficient size to show the following:
 - Property Boundaries
 - Surrounding properties and any other properties with significant farm/ranch or wildlife attributes within one mile of the subject property
 - Area of proposed conservation easement
 - Areas of deeded, leased, or permitted land on the property (including identity of lessor or permitting party)
 - Other conservation easements on Applicant's land or on adjacent properties
- Locations of improvements showing houses, barns, outbuildings, fences, irrigations ditches and any other substantial structures
- Locations of proposed reserved home sites
- Areas of irrigated land and areas of crop cultivation
- Rivers, streams, creeks, wetlands, natural areas and wildlife habitat
- Public trails, proposed trails and public access to public lands or rivers
- Locations of historic features
- Federal or state highways, major and minor county collector roads, and private roads
- Photos of property
- Any other supporting documentation

PHASE 2

The intent of Phase 2 is to assess the application's financial proposal against available funding. The amount requested, proposed applicant/landowner contributions and other sources or matching funds, will all be taken into account by the Ravalli County Open Lands Bond Program during this phase of the application process.

In addition, the proposed project will be assessed to confirm that it is qualified to receive Ravalli County funds. This financial review does not consider the merits of the project, only its compliance with Federal and State regulations applicable to bonds. The review will begin during Phase 2, but need not be completed until Phase 4. A final legal qualification review of an approved project will be done by an appropriate legal advisor.

Applicants should be aware that if during Phase 2 the OLB decides not to continue to review an application, it will be forwarded to the BCC with a recommendation to deny funding.



Photo Courtesy of Larry Javorsky

PHASE 3

The purpose of Phase 3 is to allow the full OLB to hold a final discussion, considering the reviews from Phase 1 and 2. Applicants and their sponsoring organization or agency are encouraged to attend the Phase 3 meeting in order to give a brief presentation on the proposal and answer any questions from the OLB.

After the discussion it is anticipated that the OLB will vote to send the application on to the Board of County Commissioners with either a recommendation to approve or deny funding.

Applicants should be aware that the Open Lands Board is strictly an advisory board to the Board of County Commissioners. Although the recommendation of the OLB will likely hold significant weight with the Commission, it is only a recommendation. The BCC has the final decision on all matters related to the appropriation of County funds.

PHASE 4

Once the OLB has finished their review and finalized a recommendation, the Board of County Commissioners considers the application during Phase 4. The BCC will have the final decision on all matters related to the appropriation of County funds, including Open Lands Bond funds.

The review by the BCC will include: the full application, a possible site visit, and all summary reports and recommendations discussed at a public hearing. The BCC may also discuss the proposed project directly with the applicant and/or their sponsoring organization or agency.

Once the BCC has finished their review and public hearing process, they will vote to approve or deny funding.

PHASE 5

If a proposal is approved for funding by the BCC the applicant and their sponsoring organization or agency will be required to submit certain materials before the transfer of funds can be made. Please see below for a list of the 'final documentation materials'. Planning Department staff will review these documents for completeness before forwarding them to the County Attorneys Office for review. Once this review is complete then arrangements will be made to transfer funds.

Applicants should be aware that the BCC may place conditions on the release of funds, including, but not limited to proof that proposed matching funds from other sources have been secured.

If the proposal is approved by the BCC the following documentation will be required before release of County funds can proceed:

- Conservation Easement Document and Base-line Documentation Report
- Title commitment for the subject property and resolution of title issues
- Final appraisal
- Purchase agreement
- Environmental Hazard Survey concerning hazardous materials (as described by the

federal government) that may or may not be located, used or disposed of on the property

- An agreement between the County and the qualifying sponsoring organization regarding joint responsibilities
- A Mineral Rights Statement
- A narrative describing the Closing Arrangement- where the closing is to occur, closing participants, settlement sheets, escrow arrangements if required, the cost of closing, etc.

PROJECT SCORING WORKSHEET

The Project Scoring Worksheet uses a numeric system and standard criteria to quantify aspects of an application. It is only one piece of the evaluation process, to be used primarily during Phase 1. However the entire application will be considered when making a final determination regarding funding. There may be circumstances where the Scoring Worksheet does not truly reflect the value or uniqueness of a project, or conversely there may be circumstances where the scoring over-values a project. Higher scoring projects are not guaranteed to be approved, nor are lower scoring projects guaranteed to be denied.

As part of the full application submittal, applicants, in cooperation with a qualifying supporting organization or agency, should submit a completed Project Scoring Worksheet and documentation that proves or otherwise substantiates the answers. The OLB Technical and Conservation Review Subcommittee will complete a Project Scoring Worksheet independent of the Applicant's worksheet.

There are six major categories in the Project Scoring Worksheet that reflect the goals of the Ravalli County Open Lands Program: General Attributes, Agriculture Resources, Natural Attributes, Additional Community Benefits, Proposed Funding, and Special Attributes. In all but the Special Attributes category there are 2 to 8 questions each with a value of 3 or 4. A minimum total score of 50 points is needed for a project to be considered by the OLB past Phase 1. Projects scoring below 50 points will be forwarded to the BCC with a recommendation to deny funding.

The scoring breakdown for the categories is:

General Attributes	16 points possible
Agriculture Resources	30 points possible
Natural Attributes	30 points possible
Add. Community Benefits	9 points possible
Proposed Funding	9 points possible
Special Attributes	<u>6 points possible</u>
Total of 100 points possible	

An explanation of each criterion and examples of supporting documentation are provided on the following pages. **Please provide a succinct narrative description or documentation for each of the items in the Project Scoring Worksheet.**

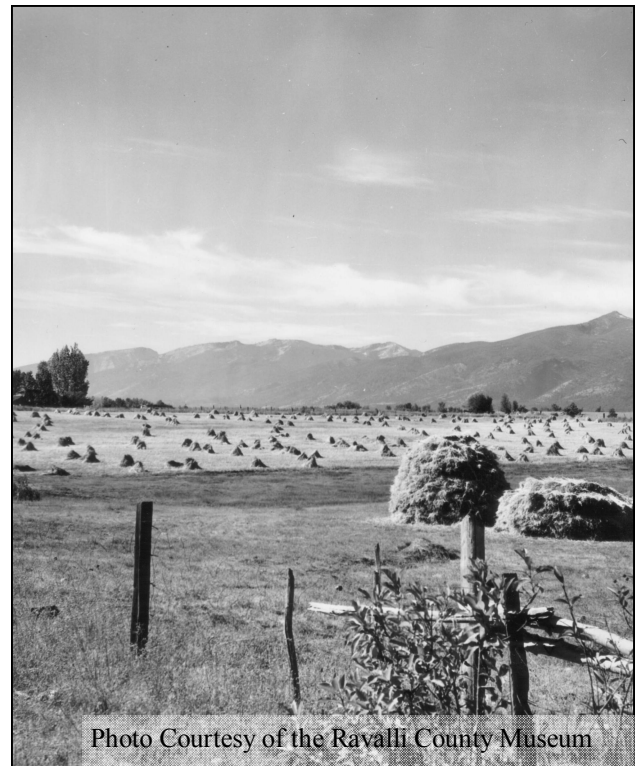


Photo Courtesy of the Ravalli County Museum

GENERAL ATTRIBUTES

Sizable properties with a large proportion placed under conservation easement, with water rights or irrigation district shares that remain with the property, and few reserved future home sites have considerable conservation benefit. Such properties will score higher than smaller acreages with no or limited water rights and many reserved future home sites. Only the portion of the property under consideration for an easement should be considered when answering these questions.

GA 1. Size of Property to be put in an Easement	How many acres of the deeded land are proposed to be put in a conservation easement?
GA 2. Water Rights	What water rights or irrigation district shares will remain with the property?
GA 3. Percent of Land Reserved for Future Home Sites	Excluding existing home sites on the property, what percent of the property is planned for future home sites? Applicants wishing to build on any reserved home sites in the future must comply with all County Subdivision and Zoning Regulations applicable at the time of building.
GA 4. Weed Management	To what degree is there effective weed management on the property?



Photo Courtesy of Larry Javorsky

AGRICULTURE RESOURCES

The purpose of this category is to determine the quality of the land resource for agricultural production and its potential to stay in agriculture. Only the portion of the property under consideration for an easement should be considered when answering these questions.

AR 1. Percent of Soils Classified as Prime/Statewide Importance or Unique/Locally Significant by NRCS	What percentage of the soils in the deeded portion of the property are identified as having prime/statewide importance and/or unique/local significance according to NRCS criteria? Please see http://soils.usda.gov/ for more information.
AR 2. Amount of Irrigated or Potentially Irrigated Land	What percentage of the proposed conservation easement area is irrigated and/or sub-irrigated pasture?
AR 3. Animal Unit Potential for the Protected Property Under Best Management Practices	What is the number of Animal Units that could be carried on the property under Best Management Practices per NRCS Criteria?
AR 4. Type of Irrigation	Is the property irrigated, sub-irrigated or not irrigated.
AR 5. Crop/hay/timber Production Potential Under Best Management Practices	Example: What is the potential annual production of hay and/or alfalfa (tons), wheat and/or barley (bushels), timber (board feet), or other crops produced on the property under Best Management Practices?
AR 6. Integration of Best Management Practices (BMPs) into farm/ranch management	Please provide documentation, if applicable, supporting the use of BMPs on the subject property.
AR 7. Proximity to Other Operating Farm/Ranches	Is the property close to other farm/ranches and if so, how close (in miles)?
AR 8. Proximity to Other Farm/Ranches Protected by Conservation Easements	Is the proposed conservation easement close to other farm/ranches that are protected by conservation easements?

NATURAL ATTRIBUTES

This category helps determine if the property has important wildlife habitat, movement corridors, natural plant communities, and/or water resources that help maintain the quality of surface water and underground aquifers.

NA 1. Percentage of Soils Classified as Hydric or Typically Associated with Wetland or Riparian areas	Does the property have soils rated as 'severe' or being described as alluvium or colluvium? Often these soils are associated with lands able to support wetland or riparian areas.
NA 2. Wildlife Habitat	Does the property contain important wildlife habitat? A property with a diversity of important habitats will score higher than a property that is all one type of habitat with little value to wildlife. For example, a property adjacent to the National Forest on elk winter range with a mix of rolling forested and sagebrush foothills, a healthy stream and riparian area, a healthy wetland, and connected to another large block of undeveloped and protected habitat would have high value as wildlife habitat. Conversely, a property surrounded by development with an open pasture of non-native vegetation or weeds would have low value as wildlife habitat. Properties that contain habitats of rare plant associations or communities will also score high (Montana Ranking of S1, S2 or S3). Please see elk and mule deer winter range maps on file with the Ravalli County Planning Department and refer to http://nhp.nris.state.mt.us/community/Community_list_2002.pdf for plant community types.
NA 3. Wildlife	Is the property occupied seasonally or year-round by a diversity of wildlife, especially elk and mule deer, threatened or endangered species, any Montana Animal Species of Concern (S1, S2 or S3 rating), or rare/unique species. For example, a property that provides winter range for several hundred elk and mule deer plus a diversity of other wildlife, especially species of concern, would score higher than a property with potential habitat but occupied by relatively few animals. For more information about Montana Animal Species of Concern and their ratings see http://nhp.nris.state.mt.us/reports/2006_MASOC.pdf .

NA 4. Protection of River/Stream/Creek Quality	Does the property contain a perennial river or stream that is an important fishery (according to Montana Fish Wildlife and Parks) or aquifer recharge area? Water resources may include water from artificial distribution systems- i.e. irrigation ditches, if it has natural attributes- however no artificial water source may receive more than 2 points. For more information please see fish distribution maps of file with the Ravalli County Planning Department or http://fwp.mt.gov/default.html
NA 5. Protection of Wetland/Open Water Quality	Does the property contain a water body or wetlands that constitutes an important water resource, fishery (according to Montana Fish Wildlife and Parks) or aquifer recharge area? Water resources may include water from artificial distribution systems or artificial ponds- i.e. irrigation ditches, if it has natural attributes- however no artificial water source or pond may receive more than 2 points. For more information please see http://fwp.mt.gov/default.html .
NA 6. Management that enhances or maintains habitat/ wildlife/ water if present	<p>If there is little or no habitat/wildlife/water of consequence on the property, or if present but management degrades it, the score will 0. If there are some viable habitat/wildlife/water resources and the landowner has actively managed to enhance wildlife habitat or populations, three points should be awarded. Examples of active management would be: active weed management on big game winter ranges, wildlife food plantings excluded from livestock grazing, wetland or riparian habitat enhancement, etc. These may include incorporation of any wildlife-related Best Management Practices (BMPs) such as those found at http://gf.state.wy.us/wildlife/nongame/index.asp.</p> <p>If the landowner has maintained and not degraded wildlife habitat two points should be awarded. If the land has no viable wildlife habitat or potential habitat has been degraded by management practices, no points should be awarded.</p>
NA 7. Proximity to Important Wildlife, Fisheries, Natural Areas, or Important Bird Areas	Is the property close to other important wildlife /natural areas and if so, how close (in miles)? See http://www.mtaudubon.org/html/science_important_bird_areas.html for information about Important Bird Areas recognized by the Audubon Society.
NA 8. Proximity to Other Natural Area Properties Protected by Conservation Easements or to Public Lands	Is the proposed conservation easement close to other significant natural or wildlife areas that are protected by conservation easements or to public lands?

ADDITIONAL COMMUNITY BENEFITS

The purpose of this category is to determine whether the property has significant recreational, scenic and public policy values important to the community.

CB 1. Scenic Values	Is the property visible from a federal or state highway, major collector County road, minor collector county road, or private road? Please use the 'Ravalli County Road and Bridge Department Functional Classification of County Roadways' list available at the Ravalli County Planning Department or the Ravalli County Road and Bridge Department.
CB 2. Public Policy	Is the property located in an area where the preservation of open space, agricultural or rural character is encouraged by an adopted land use plan or regulation, and is the property managed consistent with the intent and goals of federal, state, county and local land use regulations, plans and policies such as the Ravalli County Growth Policy, County or local zoning regulations, or other planning documents?
CB 3. Public Access	Does the property provide public access to trails, public lands, or hunting and/or fishing?



Photo Courtesy of Larry Javorsky

PROPOSED FUNDING

The Ravalli County Open Lands Bond Program seeks to maximize its limited funds by leveraging monies from other financial resources and/or through donation of value by the landowner. Also, an applicant may get additional points by encouraging an adjoining or nearby landowner to donate an easement and thus enhance open lands values through a “neighborhood” approach.

PF 1. Landowner Contribution	How much of the value of the conservation easement will be contributed by the landowner?
PF 2. Proposal Partners	What proportion of the total price of the conservation easement will be contributed by a combination of partners including: local governments, state and federal governments, charitable foundations and non-profit land conservation organizations? The calculation of the proposal partner contribution should not include requested Open Lands Bond Program money or the contribution by the landowner.
PF 3. Matching “Neighborhood” Conservation Easements	Are there other conservation easements on adjoining or nearby lands being donated with your proposal that would enhance the purpose of your application? The purpose of this attribute is to encourage “neighborhood easements.”

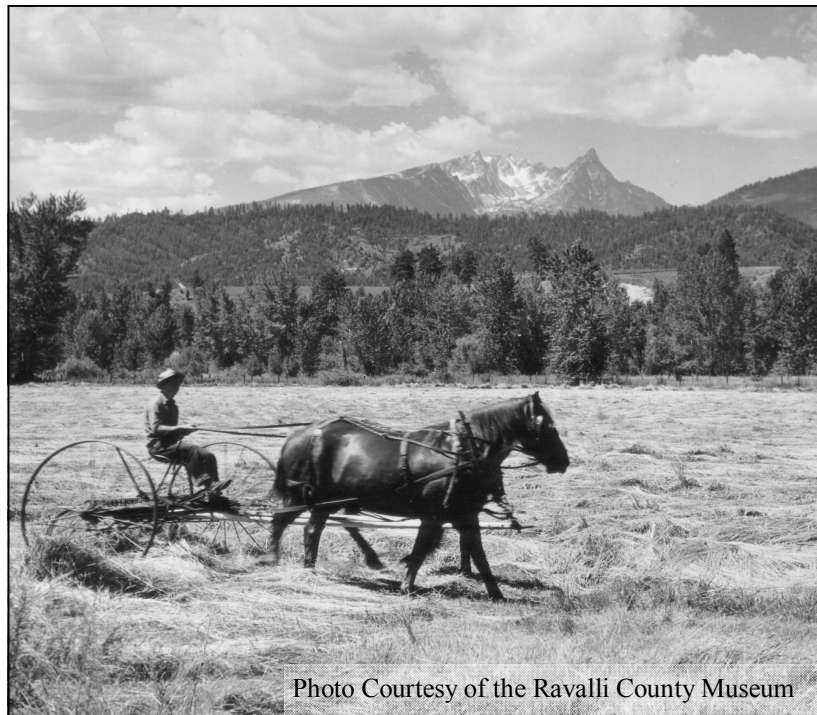


Photo Courtesy of the Ravalli County Museum

SPECIAL ATTRIBUTES

The Open Lands Board recognizes that the previous five evaluation criteria may not capture all of the important attributes of a project, and that there may be a need to consider certain projects as “special” or exceptional. The Special Attributes category is an open one meant to give points for such projects within the overall criteria framework. The Board also recognizes that it will be difficult to account for all potential special attributes.

A few examples of some Special Attributes might be:

- A small acreage that provides public access connecting larger areas open to the public
- A project that provides exceptional leveraging of Open Lands Bond monies
- A small acreage that would protect an important public resource, e.g. a small block of bighorn sheep winter range

Any special attributes will be considered. A supporting narrative must be provided with the Full Application. Applicants should work with their qualified supporting organization or agency to identify any special attributes on the property. Only the portion of the property under consideration for an easement should be considered when addressing this section.



Photo Courtesy of Larry Javorsky